

1 REBECCA L. MASTRANGELO, ESQ.
2 Nevada Bar No. 5417
3 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
4 700 S. Third Street
5 Las Vegas, Nevada 89101
Phone (702) 383-3400
Fax (702) 384-1460
rmastrangelo@rmcmllaw.com

6 WILLIAM J. KELLY III, ESQ.
7 *Admitted Pro Hac Vice*
KELLY LAW PARTNERS, LLC
8 501 S. Cherry Street, Suite 1100
Denver, Colorado 80246
9 Phone (720) 236-1800
Fax (720) 236-1799
wkelly@kellylawpartners.com

10 *Attorneys for Defendant,*
11 *RE/MAX, LLC*

12
13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA (RENO)

16 PATRICK H. MCGUIRE, an individual) CASE NO. 3:20-cv-00249-RCJ-CLB
17 and LISA ANN MCGUIRE, an individual,)
Plaintiffs,)
vs.)
18)
ANNE MARIE CAREY, an individual,) ORDER TO STAY RE/MAX, LLC'S
CAREY TRUST, a testamentary trust,) RESPONSE TO THE CAREY
ANTONETTE D. SHAW, an individual,) DEFENDANTS' CROSSCLAIMS
MAXED PROFESSIONALS, LLC, a)
Nevada limited liability company;)
Nevada limited liability company;)
RE/MAX, LLC, a Delaware limited)
liability company; and RE/MAX)
HOLDINGS, INC., a Delaware)
corporation; JOSEPH HENRY, in his)
individual capacities; and THE CITY OF)
RENO, a municipal entity.)
Defendants.)

1 COME NOW Defendants/Cross-Claimants Anne Marie Carey and the Carey Trust (“the
2 Carey Defendants”) and Defendant RE/MAX, LLC (“RML”) who together jointly stipulate to the
3 stay of RML’s response to the crossclaims asserted by the Carey Defendants, and jointly move
4 this Court to so order. In support of the Joint Stipulation, these parties represent:

5 1. As part of their Answer to the Plaintiffs’ Verified Second Amended Complaint
6 (ECF No. 17) (“SAC”), the Carey Defendants asserted crossclaims against other defendants,
7 including but not limited to RML. (ECF No. 46).

8 2. In response to Plaintiffs’ SAC, Defendant RML filed its Motion to Dismiss the
9 Plaintiffs’ claims pursuant to FRCP 12(b)(2) and 12(b)(6) (ECF. No. 24).

10 3. RML’s Motion to Dismiss is fully briefed and pending before this Court.

11 4. The causes of action against RML in the Carey Defendants’ crossclaim mirror the
12 causes of action against RML in the SAC.

13 5. The issues raised by RML pursuant to FRCP 12(b)(2) and 12(b)(6) in the pending
14 Motion are the same issues that RML would raise in response to the Carey Defendants’ crossclaims
15 against RML.

16 6. Accordingly, resolution of the issues raised in RML’s Motion to Dismiss the
17 McGuires’ claims against RML may be dispositive of some or all of the Carey Defendants’
18 crossclaims against RML.

19 7. Thus, in the interest of judicial efficiency, the undersigned jointly stipulate to a stay
20 of RML’s response to the Carey Defendants’ crossclaims against RML, pending resolution of
21 RML’s pending Motion to Dismiss the claims of Plaintiffs (ECF No. 24).

22 8. Defendant RML makes a limited appearance in regard to the Carey Defendants’
23 crossclaims only to seek this Stipulation, and by so doing does not intend to waive its objection to
24

1 personal jurisdiction over either the McGuire claims or the Carey Defendants' crossclaims
2 pursuant to FRCP 12(b)(2).

3 **WHEREFORE**, Defendants/Cross-Claimants, Anne Marie Carey and the Carey Trust,
4 and Defendant, RE/MAX, LLC, jointly request that this Court order a stay of RML's response to
5 the Carey Defendants' crossclaims, pending resolution of RML's Motion to Dismiss the claims of
6 Plaintiffs. (ECF No. 24).

7
8 DATED this 14th day of August 2020.
9

10 /s/Stephanie Rice

11 Stephanie Rice, Esq.
12 **MIDTOWN LAW**
13 115 Casazza Drive
14 Reno, Nevada 89502
15 *Attorneys for Anne Marie Carey*
16 & *The Carey Trust*

17 /s/William J. Kelly III

18 William J. Kelly III, Esq.
19 *Admitted Pro Hac Vice*
20 **KELLY LAW PARTNERS, LLC**
21 501 South Cherry, Suite 1100
22 Denver, Colorado 80246

23 -with-

24 **ROGERS, MASTRANGELO, CARVALHO &**
25 **MITCHELL**
26 Rebecca L. Mastrangelo, Esq.
27 Nevada Bar No. 5417
28 700 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendants
RE/MAX, LLC and RE/MAX HOLDINGS, INC.

ORDER

Upon stipulation of the parties and good cause appearing, the terms set forth in the foregoing stipulation are hereby GRANTED.

IT IS SO ORDERED.

DATED this 1st day of September, 2020.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), F.D.C.R. 7.26(a), and Rule 9 of the F.E.F.C.R., I hereby certify that I am an employee of Kelly Law Partners, LLC, and on the 14th day of August 2020, a true and correct copy of the foregoing was served via electronic means with the United States District Court, District of Nevada, addressed as follows, upon the following counsel of record:

John Neil Stephenson, Esq.
STEPHENSON LAW, PLLC
1770 Verdi Vista Court
Reno, Nevada 89523
Attorneys for Plaintiffs

Chandni Senall, Esq.
CITY ATTORNEYS OFFICE
P.O. Box 1900
Reno, Nevada 89505
Attorneys for City of Reno and Joseph Henry

Stephanie Rice, Esq.
MIDTOWN LAW
115 Casazza Drive
Reno, Nevada 89502
Attorneys for Anne Marie Carey and the Carey Trust

Alice L. Herbolsheimer, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
5555 Kietzke Lane, Suite 200
Reno, Nevada 89511
Attorneys for Antonette D. Shaw and Maxed Professionals

/s/Courtney Richardson

An employee of KELLY LAW PARTNERS, LLC